

Land Development Regulations
Chapter 3-9.. Zoning
Article III. Special Regulations

Sec.3-9-69. Communication Towers

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(a) Exempt Telecommunication Facilities.

- (1) The following telecommunication facilities are exempt from the provisions of this Section, provided they do not exceed 50 feet in height or the maximum height allowed by the zoning district, whichever is greater.
- (2) Non-commercial freestanding or structure-mounted "receive only" antennas three meters or less in diameter that receive direct broadcast services.
- (3) Amateur radio antennas and towers.
- (4) An antenna or tower used as an accessory use to emergency services.
- (5) Temporary towers associated with a special event may be permitted for a limited period of time by the county as part of the event.
- (6) Temporary towers necessary to aid in post-disaster relief efforts.

(b) Co-location Requirements.

- (1) All proposed telecommunication facilities shall co-locate with existing facilities wherever possible or the applicant must demonstrate that no existing telecommunication facility or alternate support structure within the applicant's geographic search area is reasonably available to support the applicant's facility. The applicant must demonstrate that the existing facilities or alternate support structures located within the geographic area meet one of the following criteria:
 - a. They are not of sufficient height to meet the applicant's engineering requirements.
 - b. They do not have sufficient structural strength to support the applicant's proposed antenna and related equipment.
 - c. They do not have sufficient space to allow the applicant's antenna and related equipment to function effectively and reasonably in parity with other similar equipment.
 - d. They are unavailable for lease under a reasonable leasing agreement.
 - e. They would result in electromagnetic interference with or by the antenna.
 - f. They have other limiting factors, including adverse economic reasons, that render an existing facility or alternate support structure unsuitable. Costs over the life of the applicable lease in excess of the cost of permitting and constructing a new facility shall be presumed to create an adverse economic reason.
- (2) Co-locating on an existing tower or alternate support structure which must be modified or reconstructed to accommodate the co-location shall be considered a permitted use and may be modified or rebuilt to a taller height, not to exceed 40 feet over the tower's existing height provided it does not exceed the Federal obstruction standards set forth in 14 CFR part 77.
- (3) Alternate support structures to which an antenna may be attached include, but are not limited to, commercial, office, and industrial buildings, multifamily residential buildings, mixed use buildings, water tanks, utility and light poles, poles at publicly-owned facilities, athletic facilities, or other structures not originally designed as antenna mounts.

(c) Additional Application Requirements.

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Land Development Regulations
Chapter 3-9.. Zoning
Article III. Special Regulations

Sec.3-9-69. Communication Towers

In addition to the standard application requirements, the following information shall be submitted upon application for any telecommunication facility:

- (1) Special Exception application including all specified supporting documentation.
- (2) Copies of letters to and all responses from other entities owning or using non-exempt communication towers, inquiring whether said entities have a need to co-locate antennas or have tower space available for co-location of antennas. All letters shall be sent certified mail, return receipt requested. The County shall maintain a list of telecommunication service providers which shall be considered the minimum contact list.
- (3) A statement from the Florida Fish and Wildlife Conservation Commission (FWC) stating that the proposed tower meets all required setbacks from any nesting locations for birds listed as protected species in the FWC's Official Lists of Endangered and Potentially Endangered Fauna and Flora in Florida or its successor.
- (4) For proposed facilities taller than 200 feet, a statement from the FAA stating that the proposed tower is determined not to be a hazard to air navigation.
- (5) The applicant's geographic search area as set forth by engineering report and the existing towers or suitable alternate support structures within such geographic search area. If the applicant is not a service provider, the applicant must submit a letter from a service provider indicating their intent to use the tower. The geographic search area and other relevant data will be based, at minimum, on the service provider's need.
- (6) The type of tower or supporting structure.
- (7) The height of the tower including antennas above ground and above MSL.

(d) *Conditions of Approval.*

- (1) General Requirements
 - a. Telecommunication facilities shall not have any form of advertisement attached or otherwise affixed.
 - b. Telecommunication facilities shall not be illuminated except as required by Federal, State, or local laws or regulations or as a condition attached to a Special Exception.
 - c. Development of a telecommunication facility site shall be subject to the Habitat Preservation provisions of this Code.
 - d. No telecommunication facility shall be constructed on any property containing a rare vegetation community including, but not limited to, forested wetlands, tropical hardwood hammock, sandhill, or xeric oak scrub if the construction or maintenance of the proposed facility would cause the destruction of any portion of the rare vegetation community.
 - e. The owner of any telecommunication facility must provide the County with the name, address, and telephone number of a contact person or persons to address or repair any problems with the tower. This information must be posted prominently at the facility and updated within 30 days in the event of any changes. Failure to comply with the requirement to provide and post the contact person information shall be a violation of this Section.

Land Development Regulations
Chapter 3-9.. Zoning
Article III. Special Regulations

Sec.3-9-69. Communication Towers

- f. If high voltage is necessary for the operation of the facility, signs displaying in large bold letters "HIGH VOLTAGE – DANGER" shall be located every 20 feet and attached to the fence or wall. In the case of structure-mounted antennas, signs shall be placed within ten feet of the antenna.
- g. A fence or wall at least eight feet in height shall be provided around each facility located on the ground. Access to the facility shall be through a locked gate. Structure-mounted facilities shall be located and designed to be accessible to authorized personnel only.
- h. Except where prohibited by a Zoning Overlay District or other provisions of this Code, structure-mounted antennas are permitted up to a height of 20 feet above the existing height of the structure. The antenna shall be an unobtrusive color and where feasible the design elements of the building such as parapet walls, screen enclosures, or mechanical equipment shall screen it.
- i. Any tower located in a residential zoning district shall be required to be a monopole.

(2) Setback Requirements

- a. All telecommunications facilities shall meet the following setbacks:

- (1) Any new tower, equipment enclosures and ancillary structures shall be set back from all interior and rear lot lines a minimum of ten (10) feet and shall meet the minimum setback requirements for the zoning district where it is located for the front lot line, except that where the minimum setback distance for the tower from any residentially zoned property line, public right-of-way, emergency evacuation route, existing school, or existing residential dwelling unit, is less than the height of the proposed tower, the minimum setback distance shall be increased to the height of the proposed tower, unless the tower will be constructed using "breakpoint" design technology, in which case the minimum setback distance shall be equal to 110% of the distance from the top of the tower to the "breakpoint" level of the tower. For example, on a one hundred (100) foot tall monopole tower with a breakpoint at eighty (80) feet, the minimum setback distance would be 22 feet (110% of twenty (20) feet, the distance from the top of the tower to the "breakpoint").
- (2) Certification by a professional engineer licensed by the State of Florida of the "breakpoint" design and the design's fall radius must be provided together with the other information required herein by the applicant.

- b. All towers shall comply with regulations for height restrictions in airport zones of the Federal Aviation Administration, Federal Communication Commission and the Florida Department of Transportation, Division of Aeronautics, or a municipal or other airport authority qualified by law to establish airport hazard zoning regulations.
- c. All towers shall be engineered so that in case of collapse, all parts of the structure will fall within the site.
- d. Multiple towers on a site must be located at least as far from each other as the height of the taller tower.

(e) *Replacement.*

Land Development Regulations
Chapter 3-9.. Zoning
Article III. Special Regulations

Sec.3-9-69. Communication Towers

- (1) Any replacement telecommunications tower seeking to increase the height of the existing tower shall be required to modify the existing Special Exception.
- (2) Any replacement telecommunications tower without increase in height shall follow the existing Special Exception.
- (3) Any replacement of the existing tower which did not receive a Special Exception approval shall be required to obtain a Special Exception.
- (4) The replacement telecommunications tower shall be located on the same parcel or lot as the original tower.
- (5) If the existing telecommunications facility is nonconforming, the applicant demonstrates that the proposed replacement tower will mitigate the nonconformity. This demonstration might be in the form of a change in design (for example from a lattice-style to a monopole style tower or a reduction in height) or in providing additional setbacks or buffers than those that apply to the existing tower.
- (6) The existing telecommunications facility being replaced is removed within one hundred twenty (120) days after completion of construction of the replacement telecommunications facility.
- (7) Upon administrative approval, the replacement telecommunications facility will be deemed a legally conforming use.

(f) *Abandonment.*

If a telecommunication facility ceases to receive and transmit signals for a period of one year, then the facility will be deemed to be abandoned. The owner/operator of the abandoned facility shall be given 180 days after being provided with written notice of the determination of abandonment, to either reactivate or dismantle and remove the facility. If the facility is not removed or reactivated, the County may obtain authorization from a court of competent jurisdiction to remove the facility and necessary support equipment and, after removal, shall place a lien on the subject property for all direct and indirect costs incurred in the removal and disposal of the facility and support equipment plus court costs and attorney fees. Where the County determines that physical factors or the non-use constitutes an unsafe condition under the building code, such building code provisions and process shall supersede any time elements set forth.